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Prepared by: Bill Goss
Real Estate Manager

Approved by: Christy Kinard
Assistant County Attorney

ORDINANCE NO. _____

AN ORDINANCE TO AMEND THE SHELBY COUNTY CODE OF ORDINANCES, CHAPTER 2, ARTICLE II, SECTION 2-57 RELATIVE TO THE PURCHASE, SALE OR EXCHANGE OF MATERIALS, SUPPLIES, COMMODITIES, EQUIPMENT AND REAL ESTATE FROM, TO OR WITH ANY FEDERAL, STATE OR LOCAL GOVERNMENTAL ENTITY. SPONSORED BY COMMISSIONER JOE FORD.

WHEREAS, By codification of the Restructure Act of 1974, upon becoming a charter form of government effective September 1, 1986, Shelby County Government is authorized to purchase, sell, or exchange materials, supplies, commodities, equipment and real estate from, to or with any federal, state or local government or office without conforming with competitive bidding requirements, provided the transaction is based upon the fair market value of the property being purchased, sold or exchanged; and

WHEREAS, Shelby County Government can make any order for the disposition of its property pursuant to Tenn. Code Ann. § 5-7-101; and

WHEREAS, In an effort to defray the costs to local governmental entities providing educational services throughout Shelby County, Section 2-57(b)(10)(b) of the Shelby County Code of Ordinances was amended by Ordinance No. 325, adopted by the Shelby County Board of Commissioners on April 9, 2007, so as to authorize the transfer of such property to a local governmental entity by donation for educational purposes, provided, however, that such governmental entity is in compliance, or becomes compliant prior to acceptance of any such donation, with all antidiscrimination laws, including, but not limited to, Titles VI and VII of the Civil Rights Act of 1964; and

WHEREAS, Shelby County Government, from time to time, is also called upon to donate certain rights, title or interest in real and/or personal property to a federal, Tennessee state, or local government or office for a public purpose that would directly benefit the citizens of Shelby County including, but not limited to, the use of such property rights, title or interest for public infrastructure improvements such as roadways, waterways, public service facilities, recreational facilities, conservation areas, flood control areas, wetland mitigation areas,

environmental remediation, sanitary sewer facilities, storm water facilities, utility facilities, communications facilities, and pipelines; or as a match towards federal or state grants for such public infrastructure improvements.

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF SHELBY COUNTY, TENNESSEE THAT, Chapter 2, Article II, Section 2-57(b)(10)(b) of the Shelby County Code of Ordinances be and the same is hereby amended by inserting the following new sentence between the first and second sentences: “The county may also donate such property to any federal, Tennessee state, or local governmental entity, provided the donation is for a public purpose found by Shelby County Government to be directly or indirectly beneficial to the citizens of Shelby County.”

BE IT FURTHER ORDAINED, That this ordinance shall take effect pursuant to the Shelby County Charter and become effective as provided by law.

Chairman of County Commission

A C Wharton, Jr.
Shelby County Mayor

Date: _____

ATTEST:

Clerk of County Commission

FIRST READING: July 21, 2008

SECOND READING: August 4, 2008

ADOPTED THIRD READING: _____